

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION AND AMENDMENT TO THE VAPOR RECOVERY CERTIFICATION AND TEST PROCEDURE REGULATIONS FOR VAPOR RECOVERY

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption and amendment to the regulations for certification and testing of vapor recovery systems installed at gasoline dispensing facilities (service stations and similar facilities).

DATE: October 25, 2001

TIME: 9:00 a.m.

PLACE: Monterey Bay Unified Air Pollution Control District
Board Room, 3rd Floor
24580 Silver Cloud Court
Monterey, CA 93940

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., October 25, 2001, and may continue at 8:30 a.m., October 26, 2001. This item may not be considered until October 26, 2001. Please consult the agenda for the meeting, which will be available at least 10 days before October 25, 2001, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the Clerk of the Board at (916) 322-5594, or Telephone Device for the Deaf (TDD) (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, by October 10, 2001, to ensure accommodation.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected

Proposed amendments to sections 94010, 94011, 94153, 94155 and 94163, title 17, California Code of Regulations (CCR) and the procedures incorporated by reference therein. Proposed adoption of new sections 94164 and 94165, title 17, CCR, and the procedures incorporated by reference therein.

Background

Health and Safety Code (H&SC) section 41954 requires the Board to adopt procedures and performance standards for controlling gasoline vapor emissions from gasoline marketing operations, including storage and transfer operations, to achieve and maintain ambient air quality standards. Section 39607(d) of the Health and Safety Code requires ARB to adopt test methods to determine compliance with ARB and district non-vehicular emissions standards. The adopted vapor recovery certification and test procedures are referenced in sections 94010-94015, title 17, CCR. ARB vapor recovery test procedures, as referenced in sections 94101-94163, title 17, CCR, are used by districts for compliance determination of in-use vapor recovery systems.

Under state law responsibilities for controlling emissions from gasoline dispensing facilities (service stations) are shared between the Board and districts. The Board is responsible for certifying vapor recovery system for gasoline dispensing facilities to ensure that all certified systems meet a certain level of emissions control performance, and to establish performance standards and test procedures by which districts can verify that in-use systems are operating properly. Districts are responsible for determining whether vapor recovery is needed to attain or maintain ambient air quality standards. The ARB has determined that vapor recovery is required for high throughput gasoline dispensing facilities (service stations) to reduce public exposure to benzene, a toxic air contaminant. When vapor recovery is required, districts must permit gasoline dispensing facilities (service stations) with vapor recovery systems that are certified by the ARB. Additionally, districts are responsible for verifying that in-use vapor recovery systems comply with the performance standards or specifications established by the Board during the certification process.

Since 1975, the ARB has adopted certification and test procedures for vapor recovery systems for gasoline dispensing facilities. These procedures require vapor recovery equipment manufacturers to demonstrate compliance with the applicable performance standards or specifications through operational and performance testing. The Board on March 23, 2000 approved the enhanced vapor recovery (EVR) regulations, which represented substantial change to the vapor recovery certification program. The purpose of EVR was to seek additional emission reductions by increasing the stringency of performance standards and specifications, to improve the certification process by increasing the performance and reliability of vapor recovery equipment, and to re-evaluate currently certified systems. These new requirements will be phased in over the next several years to promote an orderly transition.

Need for Amendment and Adoption

With the implementation of the new EVR regulations, as new designs and systems have been evaluated, the need for new, more specific performance specifications has arisen. During the certification process staff develops the new specifications and test procedures.

Incorporating the new specifications and test procedures into the certification procedure ensures that the requirements are applicable to new certifications. In addition, the California Air Pollution Control Officers Association (CAPCOA) has requested

modification to two test procedures to expand their applicability and to simplify them. By continuing to update the vapor recovery certification and test procedures, the ARB improves the vapor recovery system certification process.

Summary of Staff Proposal

ARB staff proposes to revise the following certification and test procedures and to amend title 17, CCR, sections 94010, 94011, 94153, 94155 and 94163, which incorporate the procedures by reference. The amended procedures are:

- D-200 Definitions for Vapor Recovery Procedures, as last amended February 1, 2001
- CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities, as last amended July 25, 2001
- TP-201.1D Pressure Integrity of Drop Tube Overfill Protection Devices, as adopted February 1, 2001
- TP-201.4 Dynamic Back Pressure, as last amended April 28, 2000
- TP-201.6C Compliance Determination of Liquid Removal Rate as proposed for adoption September 7, 2001

ARB staff proposes that the Board adopt sections 94164 and 94165, title 17, CCR, which incorporate the following two new procedures by reference:

- TP-201.1B Static Torque of Rotatable Phase I Adaptors, as proposed for adoption September 7, 2001
- TP-201.1C Pressure Integrity of Drop Tube/Drain Valve Assembly, as proposed for adoption September 7, 2001

The revised procedures are summarized below.

- D-200 Definition for Vapor Recover Procedures

Proposed amendments include defining the term, static torque at Phase I adaptors, and clarifying the definitions for vapor guard (mini-boot), summer fuel, and winter fuel.

- CP-201 Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities

CP-201 prescribes requirements for certification of the performance of gasoline dispensing facility (service station) vapor recovery systems. Staff is proposing for vapor and product rotatable adaptors a static torque of 108 pound-inch (9 pound-foot),

determined by proposed TP-201.1B. Proposed TP-201.1B would also be used to verify that adaptors are capable of rotating 360 degrees. Staff is also proposing to establish cam and groove specifications for adaptors. Other changes include specifying the proposed TP-201.1C and TP-201.1D for determining the leak rate for spill containment box drain valves and drop tube overfill protection valves. Proposed CP-201 is modified to clarify the procedure for calculating the average daily pressure in the underground storage. Staff is proposing to specify the number of self-service refueling operations during certification testing for liquid retention.

TP-201.1D Pressure Integrity of Drop Tube Overfill Protection Devices

Proposed TP-201.1D is a certification and compliance test procedures for determining the leak rate of spill containment box drain valves and overfill protection devices. When the EVR regulations were adopted TP-201.1D was incorrectly numbered as TP-201.2O. The proposed change will correct this error. The proposed procedure would provide the methodology to differentiate the leak rate between the spill containment box drain valve and the overfill protection device.

TP-201.4 Dynamic Back Pressure

TP-201.4, originally adopted in 1996, was last amended in 2000 as a compliance and certification procedure. The test procedure is used to determine the resistance (back pressure) of dispensing equipment to the flow of vapor simulated by a nitrogen stream. The proposed amendments would expand the applicability to system configurations not previously addressed by adding methods for testing these configurations. Other changes are proposed to clarify the test procedure. The principle of the test measurement has not changed.

TP-201.6C Compliance Determination of Liquid Removal Rate

TP-201.6C is a new, simplified compliance test procedure for measuring the removal rate of liquid removal devices used on balance vapor recovery systems. The proposed procedure represents a simplified version of TP-201.6 and would provide two options for determining the liquid removal rate. Districts will specify which options to use for compliance determination.

TP-201.1B Static Torque of Rotatable Phase I Adaptors

TP-201.1B is a proposed new certification and compliance procedure to measure the static torque and 360 degree rotation of product and vapor adaptors used during cargo tank delivery.

TP-201.1C Pressure Integrity of Drop Tube/Drain Valve Assembly

Staff is proposing a new certification and compliance test procedure, TP-201.1C, which

would determine the leak rate of the drain valve of the spill containment box when the drop tube is installed below such a box.

The proposed regulation also contains record keeping requirements. In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the ARB's Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State.

Comparable Federal Regulations

There are no comparable federal regulations that certify gasoline recovery systems for service stations; however, changes to ARB vapor recovery regulations may have a national impact. ARB certification is required by most other states, which mandate the installation of vapor recovery systems in gasoline dispensing facilities.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the potential environmental and economic impacts of the proposal, and supporting technical documentation. The staff report is entitled: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider the Adoption and Amendment of Vapor Recovery System Certification and Test Procedures.

Copies of the ISOR and full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be obtained from the ARB's Public Information Office, Environmental Services Center, 1001 "I" Street, First Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (October 25, 2001).

Upon its completion, the Final Statement of Reason (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the web site listed below.

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons: George Lew or Laura McKinney, Engineering and Certification Branch, Monitoring and Laboratory Division, at (916) 327-0900.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/vrmth01/vrmth01.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the cost or savings necessarily incurred in reasonable compliance with the proposed regulatory action are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.5(a)(10), the Executive Officer has initially determined that the proposed amendments should not have impacts on the creation or elimination of jobs within the State of California, and should have minor impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and minor impacts on the expansion of businesses currently doing business within the State of California.

As defined in Government Code section 11346.5(a)(9), the ARB is aware of cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action. Costs may be incurred by gasoline dispensing equipment manufacturers, vapor recovery testers, or gasoline dispensing facilities. Overall, staff does not expect the proposed modifications to impose an unreasonable cost burden on the gasoline dispensing equipment manufacturers, the vapor recovery testers, or the gasoline dispensing facilities. In one instance, a modification to a procedure will shorten the time required to complete testing which will reduce test time and hourly labor charges. The adoption of two new procedures will slightly offset the

savings. In considering costs for equipment required to complete testing, staff believes that the test equipment costs will be minor in nature and the time savings required to complete vapor recovery testing will offset other costs. A detailed assessment of the economic impacts of the proposed amendments can be found in the ISOR.

The Board's Executive Officer has also determined that the regulation will affect small businesses.

Before taking final action on the proposed regulatory action, the ARB must determine that no reasonable alternative considered by the ARB or that has otherwise been identified and brought to the attention of the ARB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing, or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received by no later than **12:00 noon October 24, 2001**, and addressed to the following:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: vrnth01@listserv.arb.ca.gov and received at the ARB by no later than **12:00 noon October 24, 2001**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than **12:00 noon, October 24, 2001**.

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY

This regulatory action is proposed under the authority granted to the ARB in sections 39600, 39601, 39607, and 41954 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific sections 39515, 39516, 39605, 40001, 41954, 41956.1, 41959, 41960 and 41960.2 of the Health and Safety Code; and sections 15375 and 15376 of the Government Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code. Following the public hearing, the ARB may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the modifications are sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Environmental Services Center, 1001 "I" Street, First Floor, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

MICHAEL P. KENNY
EXECUTIVE OFFICER

Date: August 28, 2001

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For

a list of simple ways you can reduce demand and cut your energy costs see our Web-site at www.arb.ca.gov.